

(ORDER LIST: 527 U. S.)

MONDAY, JUNE 14, 1999

CERTIORARI -- SUMMARY DISPOSITION

98-477 GODINEZ, SALVADOR V. WHITE, JEROME

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *O'Sullivan v. Boerckel*, 526 U.S. ____ (1999).

98-1356 UNITED STATES V. LEVI STRAUSS & COMPANY

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Federal Circuit for further consideration in light of *United States v. Haggard Apparel Co.*, 526 U.S. ____ (1999).

98-7353 SWOOPES, SAMUEL W. V. SUBLETT, WARDEN, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *O'Sullivan v. Boerckel*, 526 U.S. ____ (1999).

98-8988 HALLUM, MATTHEW V. IOWA

The motion of petitioner for leave to proceed *in*

forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the Supreme Court of Iowa for further consideration in light of *Lilly v. Virginia*, 527 U.S. ____ (1999).

ORDERS IN PENDING CASES

A-979 BARRY WEINSTEIN V. LEONARD ARNOLD, ET AL.

The application for stay addressed to Justice Ginsburg and referred to the Court is denied.

M-74 ELDRED L. REID V. TENNESSEE

M-75 OLHA MORGAN, aka OLGA V. CMS/DATA CORPORATION

The motions to direct the Clerk to file petitions for writs of certiorari out-of-time are denied.

120, ORIG. NEW JERSEY V. NEW YORK

The motion of the Special Master for compensation and reimbursement of expenses is granted and the Special Master is awarded a total of \$29,096.50, to be paid equally by the parties.

98-1299 NEW YORK V. HILL, MICHAEL

The motion for appointment of counsel is granted and it is ordered that Edward J. Nowak, Esquire, of Rochester, New York, is appointed to serve as counsel for the respondent in this case.

98-9473 IN RE EARTHEL B. HILL

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until July 6, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

98-1648 MITCHELL, GUY, ET AL. V. HELMS, MARY L., ET AL.

The petition for a writ of certiorari is granted.

98-7540 CARMELL, SCOTT L. V. TEXAS

The motion of petitioner for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

CERTIORARI DENIED

98-1435 PEARSON, ROBERT, ET AL. V. PLANNED PARENTHOOD, ET AL.

98-1437 NATIVE VILLAGE OF EYAK V. DALEY, SEC. OF COMMERCE

98-1449 SOCIALIST PEOPLE'S LIBYAN V. REIN, DENICE H., ETC., ET AL.

98-1460 ARBITER SYSTEMS, INC. V. DANZIG, SEC. OF THE NAVY

98-1467 MALHEUR LUMBER CO., ET AL. vs. BLUE MTS BIODIVERSITY, ET AL.

98-1493 HERRING, TED V. FLORIDA

98-1551 ABIOYE, NURAINI B. V. SUNDSTRAND CORP.

98-1581 JONES, CHARLES V. TRUMP, DONALD J., ET AL.

98-1612 DIAMOND MULTIMEDIA, ET AL. V. SUPER. CT., SANTA CLARA CTY.

98-1636 BLUE CROSS OF CA, ET AL. vs. CA SUP. CT. , ET AL.
 98-1638 SMITH, C. W. , ET AL. vs. GWINNETT COUNTY, GA
 98-1639 MARTIN, SUSAN TAYLOR V. UNITED STATES
 98-1641 ASHCRAFT, TRACY, ET AL. V. YEH, HWA-SHAIN, ET AL.
 98-1642 STABILE, JENNIE, ETC. vs. CA FEDERAL BANK, ET AL.
 98-1643 SOUTHMARK CORP. V. COOPERS & LYBRAND, L. L. P.
 98-1645 PAYNE, MARTHA D. , ET AL. V. CHURCHICH, BOB, ET AL.
 98-1646 BRAUNER-AHLSTROM, VICKY V. HUSSON, ROBERT, ET AL.
 98-1650 FUESSENICH, JOHN TYLER V. CONNECTICUT
 98-1655 AUSTIN, H. RICHARD V. HANOVER INS. CO. , ET AL.
 98-1656 CUTRIGHT, WILLIAM E. V. METLIFE INS. , ET AL.
 98-1657 ILLINOIS, EX REL. RYAN V. TOWERS, JAMES
 98-1659 LIN, WEN-CHOUH V. LIN, ANITA C. S.
 98-1661 FLEET BANK, NATL. ASSOC. V. BURKE, CT BANKING COMM.
 98-1665 KILLINGER, WARDEN V. NEVERS, LARRY
 98-1672 MEADE, ROBERT E. V. PEP BOYS, ETC. , ET AL.
 98-1677 BYERLY, JOHN G. V. OHIO
 98-1679 BLAIR, RAY ALAN V. NV DEPT. OF MOTOR VEHICLES
 98-1681 IN RE KAREN SPRING DAY
 98-1687 CROSS, FRED L. V. CROSS, BARBARA S.
 98-1727 HEDRICK, ROBERT, ET AL. V. HEDRICK, PATSY L. , ET AL.
 98-1733 RITCHIE, LARRY V. GOODNIGHT, BONNA, ET AL.
 98-1755 BERK REALTY, INC. V. MERCER CTY. TAX CLAIM
 98-1757 UPSHAW, SOLOMON V. DEPT. OF TRANSP. , ET AL.
 98-1769 SEA TOW SOUTH PALM BEACH V. BOAT OWNERS ASSN. OF U. S.
 98-1777 BAIN, W. C. , JR. , ET AL. V. NORWOOD, JOSEPH, ETC.
 98-1793 KOLB, HOWARD W. V. TEXAS

98-1809 MARIAH BOATS, INC. V. SLANE, REX
98-1816 GOROD, GERTRUDE DAVIS V. TABACHNICK, EDITH
98-1832 LYNN, RANDALL J. V. UNITED STATES
98-1834 FULTZ, KENNETH W. V. DUNN, JOHN S. , ET AL.
98-1840 ANDREWS, OSCAR V. UNITED STATES
98-1841 MEDJUCK, MICHAEL V. UNITED STATES
98-1851 BERG, JEROME V. CT. OF APP. , CA, 1ST DIST
98-1865 DELUXE ELEC. PAYMT SYSTEMS V. MELLON BANK
98-6437 RUNG, THOMAS L. V. MEYERS, SUPT. , ROCKVIEW
98-7930 CASON, GREGORY A. V. SMITH, WARDEN, ET AL.
98-8056 FREDYMA, JACK T. V. LAKE SUNAPEE BANK, ET AL.
98-8172 OGUNYILEKA, WALE V. UNITED STATES
98-8264 HAYS, LOYD E. V. OREGON
98-8462 McNEILL, FREDDIE V. OHIO
98-8525 NEVIUS, THOMAS V. McDANIEL, WARDEN, ET AL.
98-8870 GROVE, MARK E. V. NADEL, JUDGE, ETC.
98-8872 DOWTIN-EL, LONZO V. KAPTURE, WARDEN
98-8873 HOLT, JIMMY J. V. LeMASTER, WARDEN, ET AL.
98-8874 DUCKWORTH, DOUGLAS V. SINGLETARY, SEC. , FL DOC
98-8875 D' ALESSANDRO, MICHAEL R. V. MORTON, ADM R, NJ, ET AL.
98-8878 PACK, MICHAEL L. V. UNION STATION TERMINAL
98-8881 CHARPING, JAMES M V. SOUTH CAROLINA
98-8882 FIELDS, ELLEN PAULETTE M V. DALKON SHIELD
98-8883 KREHNBRINK, WILLIAM H. vs. MD STATE DEPT. OF EDUCATION
98-8884 NOVEL, DOLORES V. SALZBERG, EMILY
98-8886 LEWIS, MICHAEL V. CAIN, WARDEN
98-8890 LOVEDAY, DONALD A. V. MICHIGAN

98- 8893 COUCH, JERRY J. V. GEORGIA

98- 8899 JOHNSON, GARY C. V. SMITH, WARDEN

98- 8903 BUDD, LARRY J. V. QUICK, MARGARET, ET AL.

98- 8904 BAILEY, REGINALD I. V. JOHNSON, DIR. , TX DCJ, ET AL

98- 8906 OLSON, PERRY V. JOHNSON, DIR. , TX DCJ

98- 8910 BISHOP, MARVIN V. CO DOC, ET AL.

98- 8911 BURKS, CLARENCE V. GREEN, WARDEN, ET AL.

98- 8916 LUCAS, ALAN Q. V. JOHNSON, DIR. , TX DCJ

98- 8923 OATS, SONNY V. SINGLETARY, SEC. , FL DOC

98- 8927 SERRANO, ONOFRE T. V. ESTRADA, S. , ET AL.

98- 8932 VAZQUEZ, JAVIER V. MOORE, DIR. , SC DOC, ET AL.

98- 8933 VISINTINE, ROBERT S. V. UNITED STATES

98- 8934 TAYLOR, RALPH A. V. SUPREME COURT OF CA, ET AL.

98- 8935 BRYANT, STANFORD P. V. GARCIA, WARDEN, ET AL.

98- 8937 COX, BENJAMIN E. V. STIENEKE, DANIEL L. , ET AL.

98- 8938 COLEMAN, JOE V. ALABAMA

98- 8948 MORGAN, DESMOND V. CHAPIN, LINDA, ET AL.

98- 8957 SEREQUEBERHAN, MERATCHEW V. TESFAYE, EMMANUEL

98- 8961 BARRETT, STEVEN K. V. POCATELLO HOUSING AUTHORITY

98- 8963 HICKMAN, KENNETH V. MOYA, WARDEN

98- 9002 GILL, JAMES V. AMTRAK, ET AL.

98- 9021 REVERE, RODNEY V. CAIN, WARDEN

98- 9025 WARD, JASON M V. HATCHER, WARDEN

98- 9036 RAULS, KENNETH R. V. LINAHAN, WARDEN

98- 9043 DOUGLAS, ADAM S M V. LEHMAN, SEC. , WA DOC

98- 9045 HUNTER, MICHAEL A. vs. PATEL, P. R. , ET AL.

98- 9102 GODETTE, AARON J. vs. R & Y MANAGEMENT, ET AL.

98-9106 GRIER, ROBIN J. V. NEW JERSEY
98-9110 PAGLINGAYEN, ANGELITA V. OPM
98-9189 VINING, DONALD A. V. HENDERSON, POSTMASTER GEN.
98-9191 THOMAS, CURTIS L. V. JOHNSON, DIR. , TX DCJ
98-9225 BUTLER, SHERELL A. V. CALIFORNIA
98-9236 EDWARDS, JAMES L. V. ILLINOIS
98-9251 WALKER, JEFFREY V. OHIO
98-9260 NOLL, CLIFFORD L. V. UNITED STATES
98-9267 BLACKBURN, FLOYD V. WILLIAMS, WARDEN, ET AL.
98-9278 MARTINI, SARAH V. V. ROSEWELL, EDWARD, ET AL.
98-9291 FUGAH, TITUS V. MEYERS, SUPT. , ROCKVIEW
98-9293 FRANCE, EDGAR F. V. UNITED STATES
98-9294 STROTHERS, DONNIE, ET AL. V. UNITED STATES
98-9296 SKELTON, DAVID L. V. UNITED STATES
98-9297 SNELL, EMORY G. V. MASSACHUSETTS
98-9299 RIVERA, VICTOR V. UNITED STATES
98-9302 LOVE, AARON V. UNITED STATES
98-9303 KLEIN, KERRY M V. UNITED STATES
98-9304 JONES, ROOSEVELT V. UNITED STATES
98-9306 PADGETT, DARRELL L. V. UNITED STATES
98-9307 CLEMENTS, ROBERT M V. UNITED STATES
98-9309 AROWORADE, TAJUDEEN, ET AL. V. UNITED STATES
98-9313 STUYVESANT, PETER E. V. UNITED STATES
98-9316 TAYLOR, ERIC D. V. UNITED STATES
98-9317 WILLIAMS, RUDY V. UNITED STATES
98-9320 UPHAM, TROY V. UNITED STATES
98-9323 JOHNSON, BUTLER V. UNITED STATES

98- 9324 KEEL, JOSEPH T. V. FRENCH, WARDEN
98- 9340 SOAPE, ALLEN P. V. UNITED STATES
98- 9341 PORRAS- AVILA, CESAR V. UNITED STATES
98- 9343 NAVARRO, ANTHONY V. UNITED STATES
98- 9348 TOEVS, LESLIE V. UNITED STATES
98- 9351 OWENS, TIMOTHY R. V. MARYLAND
98- 9356 MAXWELL, ROBERT C. V. UNITED STATES
98- 9359 TAYLOR, PAUL J. V. UNITED STATES
98- 9361 AUSTIN, TOM V. UNITED STATES
98- 9362 WITTGENSTEIN, HERTA V. UNITED STATES
98- 9363 ROBINSON, KEVIN P. V. UNITED STATES
98- 9364 ROSARIO, ANTONIO V. UNITED STATES
98- 9365 WIGHTMAN, ROBERT R. V. TEXAS
98- 9367 WELLS, CARL V. NEW YORK CITY, ET AL.
98- 9368 SALAS, DOMINGO V. UNITED STATES
98- 9372 PORRAS- CANO, EDGAR V. UNITED STATES
98- 9373 O' NEAL, CLARENCE V. UNITED STATES
98- 9374 ROSS, HOLLIS N. V. UNITED STATES
98- 9376 LAWRENCE, GREGORY L. V. MOATS, WARDEN, ET AL.
98- 9379 CAVAZOS- ORTIZ, JOSE H. V. UNITED STATES
98- 9380 ARMSTRONG, HOWARD V. UNITED STATES
98- 9397 DYER, SAMMY V. UNITED STATES
98- 9399 GASCON, ROSALIO C. V. UNITED STATES
98- 9401 HOLLEY, ERNIE R. V. UNITED STATES
98- 9405 GUTIERREZ, VICTOR M V. UNITED STATES
98- 9412 MARTINEZ- JARAMILLO, CELSO A. V. UNITED STATES

The petitions for writs of certiorari are denied.

98-1533 HYNES, CHARLES, ET AL. V. TOMEI, JUSTICE, SUP. CT., NY

The motion of respondent Angel Mateo for leave to proceed *in forma pauperis* is granted. The motion of respondent Michael Hale for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

98-1673 SMEDVIG TANKSHIPS, ET AL. V. ABUAN, NESTOR, ETC.

The motion of Norwegian Shipowners' Association for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

98-1790 PIETRANGELO, JAMES E. V. UNITED STATES SENATE

The petition for a writ of certiorari before judgment is denied. The Chief Justice took no part in the consideration or decision of this petition.

HABEAS CORPUS DENIED

98-9500 IN RE ALFRED LEE MAULDIN

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

98-1821 IN RE FRANK PAUL LUKACS

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

98-1370 CARRERAS, ANTHONY W. V. UNITED STATES

98-1379 LENTINO, JORGE A., ET AL. V. CAGE, LOWELL T.

98-1380 LENTINO, MARTA A. V. CAGE, LOWELL T.

- 98- 1398 WEISSER, MICHAEL HARRIS V. FLORIDA BAR
- 98- 7982 OWENS, HAROLD L. V. LIVERGOOD, HELEN A. , ET AL.
- 98- 8178 BALEY, GENEVE V. FORD MOTOR COMPANY
- 98- 8281 CUNNINGHAM, WILLIAM E. V. WOODS, WARDEN, ET AL.
- 98- 8291 SHAYESTEH, AHMAD V. UNITED STATES
- 98- 8319 CAVALIERI-CONWAY, JOAN vs. CA BOARD OF EQUALIZATION
- 98- 8375 WHATLEY, FREDERICK R. V. GEORGIA
- 98- 8385 ROBINSON, EDWARD J. V. UNITED STATES
- 98- 8391 WILLIAMS, TRUMAN V. APFEL, COMM R, SOCIAL SEC.

The petitions for rehearing are denied.

- 98- 7668 TURNER, BRENDA L. V. UT DEPT. OF WORKFORCE SERV.

The motion for leave to file a petition for rehearing is denied.

ATTORNEY DISCIPLINE

- D- 2081 IN THE MATTER OF DISBARMENT OF JAMES LEE BERFIELD

James Lee Berfield, of St. Petersburg, Florida, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

- D- 2082 IN THE MATTER OF DISBARMENT OF ANDREW M LOPEZ

Andrew M Lopez, of Denver, Colorado, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

RECESS ORDER

The Court will take a recess from Monday, June 14, 1999, until Thursday, June 17, 1999.